THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25833 of 2006

Dated: 13-12-2006

Between:

Smt. Azeezunnisa.

..... PETITIONER

AND

The Joint Collector, Lakdikapul, Hyderabad, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.25833 of 2006

ORDER:

The land admeasuring Acs.7.25 guntas in survey No.85 situated at Narkonda Village was registered in the name of Balaiah, the father of respondents 4 to 6. The petitioner claims that her father Md. Yaseen is owner of said land and Balaiah was only a farm servant on crop sharing basis. She filed an application before the Revenue Divisional Officer (RDO), respondent No.2, seeking rectification of the Pahanies and revenue records. In her application, she alleged that when she wanted to raise a loan by furnishing subject land as security, she approached the Mandal Revenue Officer(MRO), respondent No.3, for certified copies of Pahanies and to her surprise found the name of Balaiah in the Pahanies, and therefore, she sought for rectification of the revenue records. The application of the petitioner was treated as an appeal under Section 5(5) of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity). After receiving notice, respondents 4 to 6 opposed the claim of the petitioner. They contended that Balaiah was absolute owner of subject land and that the entry of his name in the revenue records was valid. They also stated that their father also obtained pattadar passbooks (PPBs) and was in possession of the land. RDO allowed the appeal on

04.09.2004 directing MRO to restore original entries in the revenue records in favour of father of the petitioner duly deleting the name of father of respondents 4 to 6. Respondents 4 to 6 preferred a revision under Section 9 of the Act before the Joint Collector, respondent No.1, who by order dated 10.02.2006 in Case No.D5/6488/2004 allowed the revision setting aside the order of RDO. This order of respondent No.1 is assailed in this writ petition.

The learned counsel for the petitioner strenuously contends that Balaiah obtained revenue entries and PPBs by tampering with the revenue records and that RDO verified the original records like Sethwar and Pahani for the year 1982-1983 and exercised his power under Section 5(5) of the Act. According to the learned counsel when Balaiah fraudulently obtained revenue entries in his favour, it is competent for RDO to order necessary correction.

A perusal of the order of RDO would show that virtually RDO ordered rectification of the entries after a period of twenty years. RDO found that at least from 1984 the name of Balaiah was entered in the Pahanies and by exercise of power under Section 5(5), he directed MRO to rectify the entries. The long delay in exercising appellate power under Section 5(5) is certainly illegal in respect of which the revenue authority, respondent No.1, exercising jurisdiction, set aside the same. Further, there is dispute as to title between the petitioner and respondents 4 to 6 and therefore, respondent No.1 rightly came to the conclusion that the title dispute has to be adjudicated before a competent civil Court. The impugned order does not suffer from any vice requiring interference.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

13th December, 2006

ghn